

**BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

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IN THE MATTER OF
PACIFICORP DEER CREEK MINE
PERMIT RENEWAL
APPLICATION, DEER CREEK
CANYON, EMERY COUNTY,
UTAH

: INFORMAL CONFERENCE
:
: FINDINGS OF FACT,
: CONCLUSIONS OF LAW AND
: ORDER
:
: CAUSE NO. C/015/0018

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BACKGROUND

On January 24, 2006, the Division of Oil, Gas and Mining ("Division") held an informal conference in the above-captioned matter at the Division of Natural Resources, 1594 West North Temple, Salt Lake City, Utah. Director, John R. Baza conducted the informal hearing under the provisions of the Utah Administrative Procedures Act, Division Administrative Rules, and other applicable law.

Assistant Attorney General Steven F. Alder represented the Division at the hearing. John Kirkham, Esq. represented Applicant/Respondent Pacificorp. Joel Ban, Esq. represented Interested Party Utah Environmental Congress ("UEC"). The purpose of the informal conference was for any interested party to testify, present evidence, or comment on the issues involved in the renewal of Pacificorp's Deer Creek Mine Permit. Kevin Mueller, Executor Director of UEC and Joel Ban commented on behalf of UEC. Steve Alder commented on behalf of the Division. John Kirkham commented on behalf of Pacificorp. After hearing from all parties, receiving full disclosure of relevant facts, reviewing submitted exhibits, and considering

the evidence and relevant law, the Director Baza hereby makes the following findings of fact and conclusions of law, and issues the order below.

FINDINGS OF FACT

1. Pacificorp's Deer Creek Mine Permit will expire February 7, 2006.
2. Pacificorp filed for renewal on October 6, 2005, 120 days prior to expiration of its current mine permit.
3. The Division determined the application for renewal was administratively complete on October 24, 2005.
4. The Division published a public notice that the application was administratively complete on November 29, 2005.
5. UEC requested an informal conference on December 29, 2005, 30 days after the last published notice pursuant to Utah Administrative Code R645-300-123.
6. The Informal conference was held on January 24, 2006, at 10:00 a.m.
7. A record of the conference was made by Scott Knight, Thacker and Company, 50 W. Broadway, Suite 900, Salt Lake City, Utah 84101.
8. The record referenced above will be maintained in the conference file.

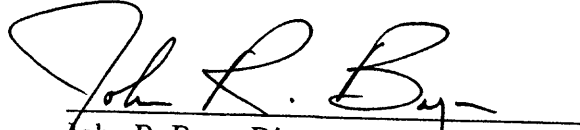
CONCLUSIONS OF LAW

1. UEC timely requested an informal conference under Utah Administrative Code R645-300-123. Pursuant to R645-300-123.130, UEC had 30 days after the "last publication of the newspaper advertisement" to request an informal conference. UEC requested an informal conference within 30 days.

ORDER

1. The informal conference closed on January 24, 2006.
2. All interested parties have until Friday, January 27, 2006 at 5:00 p.m. to submit any additional information pertaining to Pacificorp's renewal application to the Division.

DATED this 26th day of January 2006.


John R. Baza, Director
Division of Oil, Gas and Mining

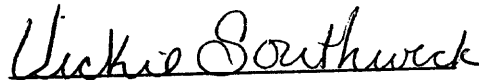
CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF INFORMAL CONFERENCE for Cause No. C/015/0018 to be mailed by certified mail, postage prepaid, on the 27th day of January 2006 to the following:

Joel Ban
Wildlaw
1817 South Main Street, Suite 10
Salt Lake City, Utah 84115

Chuck Semborski
Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528

Alice Carlton
U. S. Forest Service
Manti - LaSal National Forest
599 West Price River Drive
Price, Utah 84501



Vickie Southwick
Executive Secretary

Vs

cc:

Wayne Hedberg
Pamela Grubaugh-Littig
John Baza

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